

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JEFFREY JACOB BENKE,

Plaintiff,

v.

Case No. 20-CV-881

BERNADETTE PIGEON,

Defendant.

ORDER

On February 15, 2021, defendant Bernadette Pigeon filed a motion to dismiss because plaintiff Jeffrey Jacob Benke, who is *pro se*, was not cooperating in discovery. (ECF No. 15.) In her motion Pigeon asserts that she made several attempts to send Benke a medical authorization form and the Defendant's First Request for Production of Documents. (*Id.* at 2.) Benke is out of custody. In September 2020 Pigeon sent her discovery requests to the address listed on the WileNet, the Wisconsin Law Enforcement Network. (*Id.*) After she did not receive a response, Pigeon used the address listed on PACER and resent the discovery requests. (*Id.*) She still did not receive a response. In December 2020 Pigeon again attempted to send discovery requests to both addresses and again did not receive a response. (*Id.* at 2-3.)

On March 29, 2021, the court issued an order giving Benke one final opportunity to respond to Pigeon's discovery requests and submit his medical records authorization form or file a letter explaining why he is unable to do so, giving him

until April 19, 2021, to do so. (ECF No. 18.) The court warned Benke that failing to respond would result in dismissal of his case.

On April 19, 2021, Benke's fiancé, Samantha Hensler, filed a letter with the court asking for a two-week extension for him to respond to discovery. (ECF No. 19.) In a text only order, the court gave Benke an extension until May 24, 2021, to respond to Pigeon's discovery requests or motion to dismiss. (ECF No. 20.) On June 18, 2021, Pigeon filed a letter with the court indicating that Benke has neither responded to her discovery requests nor submitted a medical records authorization form. Accordingly, the court will dismiss the case due to Benke's failure to respond pursuant to the court's order.

IT IS THEREFORE ORDERED that Pigeon's motion to dismiss (ECF No. 15) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED with prejudice**. The Clerk of Court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within **30 days** of the entry of judgment. *See* Federal Rule of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. *See* Federal Rule of Appellate Procedure 4(a)(5)(A).

Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment

under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within **28 days** of the entry of judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2).

A party is expected to closely review all applicable rules and determine, what, if any, further action is appropriate in a case.

Dated in Milwaukee, Wisconsin this 21st day of June, 2021.

BY THE COURT

A handwritten signature in black ink that reads "William E. Duffin". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM E. DUFFIN
United States Magistrate Judge